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February 13, 1996

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Ex Parte Presentation
CC Docket No. 92-297

Dear Mr. Caton:

On February 9, 1996, Teledesic Corporation ("Teledesic") made a written ex parte presentation in CC Docket No. 92-297 to Scott B. Harris, Chief, International Bureau, concerning the above-referenced proceeding. See Attachment A. Teledesic also submitted copies of the ex parte presentation to Donald Gips, Deputy Chief, Office of Plans and Policy, Tom Tycz, Chief, Satellite and Radiocommunication Division, International Bureau, Cecily Holiday, Deputy Chief, Satellite and Radiocommunication, International Bureau, Joslyn Read, Assistant Chief, Satellite and Radiocommunication Division, International Bureau, Harry Ng, Chief, Satellite Engineering Branch, Satellite and Radiocommunication Division, International Bureau, Jennifer Gilsenan, Karl Kensinger and Giselle Gomez of the International Bureau, and Michele Farquhar, Chief, Wireless Telecommunications Bureau, Bob James and David Wye of the Wireless Telecommunications Bureau, Julius Genachowski and Ruth Milkman, Special Assistant and Senior Legal Advisor, Office of Commissioner Reed E. Hundt, Lauren Belvin and Rudolfo Baca, Senior Legal Advisor and Legal Advisor, Office of Commissioner James H. Quello, Jane Mago and Suzanne Toller, Senior Legal Advisor and Legal Advisor, Office of Rachelle B. Chong, Mary P. McManus, Legal Advisor to Commissioner Susan Ness, and Lisa B. Smith and Brian Carter, Legal Advisors, Office of Commissioner Andrew C. Barrett.

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Pursuant to Section 1.1206(a)(1) of the Commission's Rules, an original and two copies of this letter and its attachment are enclosed. A copy of this letter and its attachments are also being provided to the FCC staff indicated above.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Tom W. Davidson, P.C.", written in dark ink.

Tom W. Davidson, P.C.
Jennifer A. Manner

cc: Scott B. Harris, Esq.
Mr. Donald Gips
Mr. Tom Tycz
Cecily Holiday, Esq.
Ms. Joslyn Read
Jennifer Gilsenan, Esq.
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February 13, 1996

Scott B. Harris, Esq.
Chief
International Bureau
Federal Communications Commission
2000 M Street, N.W.
Washington, D.C. 20554

Re: Ex Parte Presentation
CC Docket No. 92-297

Dear Mr. Harris:

Teledesic Corporation ("Teledesic") supports the band plan proposed by the Federal Communications Commission ("FCC") in the Third NPRM as the only equitable solution to the above-referenced proceeding.^{1/} After being announced in July 1995, the 28 GHz Band Segmentation Plan was virtually unopposed. Nonetheless, because the band plan has remained unsettled for so long, several parties have proposed to modify the 28 GHz Band Segmentation Plan to better serve their own interests. However, none of these alternatives has received the overwhelming support that the 28 GHz Band Segmentation Plan has received. The only circumstance that has changed since the original plan was proposed is that the U.S. led the world to endorse this plan at the 1995 World Radiocommunication Conference ("WRC-95"). This alone provides a firm basis for adopting the 28 GHz Band Segmentation Plan as originally proposed.

Any designation of less than 500 MHz for NGSO service links would limit NGSO system capacity and would unfairly disadvantage NGSO systems vis-a-vis GSO broadband systems. In determining what is an adequate amount of spectrum to enable the deployment of

^{1/} Rulemaking to Amend Parts 1, 21 and 25 of the Commission's Rules to Redesignate the 27.5 - 29.5 GHz Frequency Band, to Reallocate the 27.5 - 30.0 GHz Band, to Establish Rules and Policies for Local Multipoint Distribution Services and the Fixed Satellite Service, FCC 95-287, CC Docket No. 92-297 (released July 28, 1995) ("Third NPRM").

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NGSO FSS global broadband systems in the 28 GHz band, it is appropriate to look at the amount of spectrum required for a GSO FSS system. The same factors used to determine the amount of spectrum required for a GSO FSS system in the band also apply to the needs for a NGSO FSS system. In particular, GSO FSS systems and NGSO FSS systems share one essential constraining factor. That is, the total capacity that can be directed to any given geographic territory is limited to the capacity per beam which is tied directly to the amount of spectrum. Most of the GSO FSS applicants in the 28 GHz band have proposed to use at least 1000 MHz and some as much as 2,500 MHz.^{2/} To be competitive with GSO FSS systems in any given market, NGSO FSS systems need access to a comparable amount of spectrum. The amount proposed for NGSO FSS systems is only half of the minimum 1000 MHz sought by GSO applicants, leaving more than adequate spectrum in the band where GSO FSS systems would continue to enjoy priority over NGSO FSS use.

In addition to use of this 500 MHz for service links, broadband NGSO satellite systems require operational flexibility to use some of this primary spectrum to accommodate critical operations of gateway terminals, such as command and control functions. Hence, the 500 MHz of spectrum may have to be utilized by both gateway terminals and service links. In addition, a designation of less than 500 MHz of spectrum to NGSO FSS use would provide no flexibility to coordinate around the entrenched fixed services nor GSO satellite uses of the 28 GHz band that have coordination priority because their coordination priority predates WRC-95.

As long as the band plan is left in play, "a battle of the engineers" whereby each party seeks to posture its position to further its interests is inevitable. Such gamesmanship, if it is allowed to continue, will compromise the credibility of the Commission and the integrity of the process. Hughes' Option 2B is an extreme example of this dynamic. Option 2B dramatically reduces the amount of available spectrum for use by broadband NGSO systems by twenty percent and for LMDS return links by thirty-three percent. This is untenable to both Teledesic and LMDS proponents.^{3/} A review of the facts confirms that neither the record nor logic supports this position. Unlike the MSS proponents who will be using only two or three domestic MSS feederlink Earth stations, Teledesic potentially could have hundreds of operating Gigalink ground stations in the United States. Therefore, if it is difficult for two or three MSS feederlink Earth stations to share the 28 GHz band with LMDS, it will be impossible for Teledesic to do so. This was confirmed almost one and a half years ago when the FCC's Negotiated Rulemaking Committee ("NRMC"), which included MSS and LMDS proponents, found that sharing between NGSO FSS Gigalink

^{2/} See e.g., Applications of Hughes Communications Galaxy, Inc., File No. 174-181-SAT-P/LA-95.

^{3/} Letter to William F. Caton, FCC, from Doug Lockie, Endgate Corp., Samir Kamal, Hewlett-Packard, Inc., and Gene Robinson, Texas Instruments, Inc. (Feb. 5, 1996).

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terminals and the LMDS is not feasible. Report of the Negotiated Rulemaking Committee Working Group 1, at 61-85.

Long-term U.S. interests will be harmed if the United States makes a domestic designation that is inconsistent with the proposal for which the U.S. received global approval at the 1995 World Radiocommunication Conference ("WRC-95"). The 28 GHz Band Segmentation Plan served as the basis for the United States to obtain active support at the WRC-95 for the designation of spectrum for both NGSO FSS systems and NGSO MSS systems operating feederlinks.^{4/} In recent years, a number of major NGSO satellite systems have been proposed to meet a range of service needs, most of which have been advanced by U.S. entities. It is unlikely that the Teledesic satellite system will be the last iteration of this NGSO satellite technology. The United States will need to seek action at future World Radiocommunication Conferences to obtain additional spectrum for the deployment of these NGSO satellite systems. It would be short-sighted for the U.S. to back off from the significant gains achieved at WRC-95 by not designating now 500 MHz for broadband NGSO satellite systems, only to face the prospect of having to return later to seek additional NGSO spectrum. Not only would the U.S. have to win back the gains it surrendered, but it would have to do so with diminished credibility.

As indicated in our February 1 letter, if the FCC does not act now to designate 500 MHz of spectrum for broadband NGSO use, the ability of the United States to succeed on this and other issues at the 1997 World Radiocommunication Conference and future World Radiocommunication Conferences will be adversely affected. After working so diligently for an unconditional designation of 500 MHz for broadband NGSO systems at WRC-95, the credibility of the United States will suffer if the FCC now fails to implement such a proposal domestically. If the United States retreats from its WRC-95 position on broadband NGSO satellite system requirements and makes the designation of the 28.6 - 28.7 GHz band contingent on the outcome of WRC-97, future United States conference positions, not only for NGSO FSS, but also for the full range of U.S. interests at future conferences, will be undermined. These interests might include GSO FSS, broadcast satellite service, MSS and terrestrial services. The potential harm to United States interests and the ultimate costs of diminished U.S. credibility in these international fora are incalculable even at this time.

The public interest will best be served by immediate adoption of the consensus 28 GHz Band Segmentation Plan. Only after a band plan is adopted will the parties have the incentive to resolve outstanding technical issues. The relevant technical parameters should be addressed subsequently when the FCC crafts individual licensing rules for each system type. It is imperative that the FCC put an end to the ongoing gamesmanship among the parties and

^{4/} WRC-95 adopted a resolution covering the full 500 MHz sought for broadband NGSO systems. As a last minute compromise to gain European support for the resolution, final disposition of 100 MHz of the identified spectrum was deferred until 1997.

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move forward now to end the debate and adopt the 28 GHz Band Segmentation Plan as set forth in the Third NPRM.

Based on the foregoing, Teledesic urges the FCC to expeditiously adopt the 28 GHz Band Segmentation Plan, the only plan that has received near unanimous support of the parties, and subsequently address sharing arrangements provided for in the 28 GHz Band Segmentation Plan in its licensing rules.

Sincerely,



Tom W. Davidson, P.C.

Jennifer A. Manner, Esq.

Counsel for Teledesic Corporation

cc: Mr. William F. Caton
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